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10/797,847

03/10/2004

Anthony Levas

728-241

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66547

7590

06/04/2008

THE FARRELL LAW FIRM, P.C.

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EXAMINER

JACKSON, JAKIEDA R

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

06/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/797,847

**Applicant(s)**

LEVAS ET AL.

**Examiner**

JAKIEDA R. JACKSON

**Art Unit**

2626

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-10, 12-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-10, 12-19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the Office Action mailed June 15, 2007, applicant submitted an amendment filed on August 15, 2007, in which the applicant amended and requested reconsideration with respect to **claim 1**.

### ***Response to Arguments***

2. Applicant's argue that the prior art cited does not teach consulting the directional tags to audibly present each class from a different position in space based in the directional tags. Applicant's arguments are persuasive, but are moot in view of new grounds of rejections.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 2, 4-10, 12-19 and 21-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kovesdi et al. (PGPUB 2003/0155413), hereinafter referenced as Kovesdi in view of Willins et al. (PGPUB 2005/0108646), hereinafter referenced as Willins

Regarding **claims 1, 9 and 18**, Kovesdi discloses a method, system and computer program, hereinafter referenced as a method for presenting and browsing information, comprising the steps of:

classifying the information into a plurality of classes and sub-classes, each class having at least one sub-class (winter/summer; column 4, paragraph 0039 and column 5, paragraph 0054); and

directional tagging said classified information with directional tags for spatial presentation (tags; column 4, paragraph 0039 and paragraphs 0044-0045 with column 6, paragraph 0060-0062), but does not specifically teach consulting the directional tags to audibly present each class from a different position in space based on the directional tags.

Willins discloses a method comprising consulting the directional tags to audibly present each class from a different position in space based on the directional tags (directional device processing audio clips into spatial representations; paragraphs 0030-0036), in order to maintain a robust user experiences and to augment the user experience.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kovesdi's method wherein it is described above, to animate the experience of the user relative to an item/exhibit, enable the user to hear about an item or exhibit based on their location and field of view, personalize the audio presentation based on specific interest of individual and provide intuitive directional

cues to bring attention to items of interest and to guide the user to a desired location (paragraphs 0005-0006).

Regarding **claims 2, 10 and 19**, Kovesdi discloses a method further comprising the step of interactively controlling the presentation of the sub-classes (column 8, paragraph 0075 and column 13, paragraph 0095-0096).

Regarding **claims 4, 12 and 21**, Kovesdi discloses a method wherein the interactively controlling step includes the steps of:

receiving an input command from the user, said input command containing information identifying a position in space from which a class was presented (objects in the proximity/location determination; column 7, paragraph 0064); and

presenting sub-class information of the class said input command identified (column 8, paragraph 0075 and column 13, paragraph 0095-0096).

Regarding **claims 5, 13 and 22**, Kovesdi discloses a method wherein the input command is received through a spoken command from the user (speech recognizer; column 6, paragraph 0059 with column 7, paragraph 0064).

Regarding **claims 6, 14 and 23**, Kovesdi discloses a method wherein the input command is received through an input device having means for determining a direction to which a user points (objects in the proximity/location determination; column 7, paragraph 0064 with GPS; column 4, paragraphs 0040-0041 and column 13, paragraph 0098).

Regarding **claims 7, 15 and 24**, Kovesdi discloses a method wherein the input command is received through an electrical or mechanical input device (inputting information; columns 4-5, paragraph 0046 and column 12, paragraph 0089).

Regarding **claims 8, 16 and 25**, Kovesdi discloses a method wherein the interactively controlling step includes the steps of:

receiving an input command from the user, said input command containing information identifying a class or sub-class (column 39, paragraphs 0039-;0040) and presenting further information of the class or sub-class said input command identified (objects in the proximity/location determination; column 7, paragraph 0064).

Regarding **claim 26**, Kavesdi discloses a method wherein the input command is received through at least one of a speech recognition system, an input device having means for determining a direction to which a user points and a standard computer input device (speech recognizer; column 6, paragraph 0059 with column 7, paragraph 0064).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAKIEDA R. JACKSON whose telephone number is (571)272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ  
May 15, 2008

/David R Hudspeth/

Supervisory Patent Examiner, Art Unit 2626